

Filed for intro on 01/22/98

SENATE BILL 3028

By Ford J

AN ACT to define beer and other products which may be sold and distributed under Chapter 5 of Title 57 to amend that Chapter accordingly; to amend Tennessee Code Annotated, Sections 57-3-101 and 57-3-103

WHEREAS, the State of Tennessee has strictly regulated and controlled the sale and distribution of all alcoholic beverages within its borders; and

WHEREAS, the distribution of all alcoholic beverages except beer has been restricted to those communities which have authorized such sales by local option election; and

WHEREAS, the sale of all alcoholic beverages for off premise consumption except beer has been limited to licensed premises which prohibit unaccompanied minors from entering; and

WHEREAS, the sale of beer has been authorized across the state irrespective of local option and the age of patrons who frequent the outlets selling the product; and

WHEREAS, the state of Tennessee has never intended to authorize the sale of cocktails, coolers, highballs, mixed drinks or similar alcoholic beverages in the same manner as the sale of beer, even where such products are made with alcohol produced from malt fermentation; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-5-101(a), is amended by deleting the following language from that section:

“or any other beverage of like alcoholic content except wine as defined in Section 57-3-101”.

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SECTION 2. Tennessee Code Annotated, Section 57-5-101(b), is amended by deleting that subsection in its entirety and substituting instead the following:

(b) For the purposes of this chapter, “beer” means a malt beverage obtained by the fermentation, infusion or decoction of barley, malt, hops or similar product in drinkable water, which beverage shall clearly and prominently include on its label the designation “beer,” “ale,” “porter,” “stout,” or “malt liquor.” All other malt beverages are deemed to be “alcoholic beverages” under Section 57-3-101.

SECTION 3. Tennessee Code Annotated, Section 57-3-101(a)(1), is amended by inserting the language “as defined by Section 57-5-101(b)” after the word “beer” where it appears in the subsection.

SECTION 4. Tennessee Code Annotated, Section 57-3-103(a)(1), is amended by deleting the phrase “, any beverage of an alcoholic content of five percent (5%) by weight or less except wine or any” and substituting instead the following language:

“beer, as defined in Section 57-5-101(b) or any non-beverage”.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.